

Message Text

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ORIGIN NEA-12

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L/NEA - T. BROWN (INFO)

PM - COL FLEMING (INFO)

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TO AMEMBASSY ANKARA IMMEDIATE

INFO USMISSION NATO

CHJUSMMAT ANKARA

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OSAF

S E C R E T STATE 190710

E.O. 11652: GDS

TAGS: MARR, TU

SUBJ: PIRINCLIK IA - ARTICLE 17

REF: A. ANKARA 7536

B. ANKARA 7535

C. ANKARA 7377

D. ANKARA 5424

E. STATE 74359

F. STATE 66684 (18 APR 72)

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1. DELAY IN RESPONSE TO REF D. CAUSED BY COMPLEX EXAMI-

NATION OF MATTER OF SUPPORT FOR TURKISH TRAINEES.
QUESTION AROSE HERE WHETHER US LAW PERMITS PROVISION
MEALS TO TURKISH OFFICER TRAINEES AT USG EXPENSE.
ALTHOUGH BOTH DOD APPROPRIATIONS ACT AND DOD DIRECTIVE
GENERALLY PROHIBIT FURNISHING OF MEALS WITHOUT REIMBURSE-
MENT, DEFENSE FISCAL OFFICIALS ARE OF OPINION THAT
ESTABLISHMENT OF SUCH OBLIGATION BY INTERNATIONAL AGREE-
MENT CONSTITUTES VALID BASIS UNDER SAID STATUTE. THERE-
FORE, USG PROPOSAL FIRST OFFERED REF F. IS AFFIRMED.

2. HOWEVER, WE ARE CONCERNED THAT PARA 5, REF B, INDICATES
TURKISH BELIEF OR INTENT THAT PROVISION OF LODGING AND
BOARDING TO TURKISH TRAINEES AT US EXPENSE WILL OCCUR AT
BELBASI CDI. REVIEW OF 1973 NEGOTIATING RECORD DOES NOT
DISCLOSE WHETHER GOT HAS BEEN INFORMED OF CONDITIONS TO

PIRINCLIK OFFER CONTAINED REF F. AND REPEATED REF E.
PIRINCLIK OFFER CONTAINED REF F. AND REPEATED REF E.
BEFORE AGREEMENT ON ARTICLE 17 AND AGREED MINUTE THERETO
CAN BE REACHED, GOT MUST CLEARLY UNDERSTAND AND ACCEPT
US POSITION THAT TERMS OF PIRINCLIK ART 17 ARE NON-
PRECEDENTIAL, AND WILL NOT BE APPLIED, NOR SOUGHT TO
BE APPLIED, TO ANY OTHER IA (EXCEPT WITHIN CONTEXT OF
1962 M/U AS REFLECTED BY ANNEX 10 OF IAS REFERRED
TO IN PARA 6, ANKARA 7372). REPORTING CABLES SHOULD
REFLECT GOT ACCEPTANCE OF THIS POINT. FURTHER, IT SHOULD
BE POINTED OUT THAT THIS LODGING AND BOARDING AT USG
EXPENSE IS MAJOR CONCESSION IN VIEW OF UNEQUIVOCAL GOT
ASSERTION DURING NEGOTIATION OF 1969 DCA THAT "GOT WILL
PAY ALL PERSONNEL COSTS" OF TURKISH PERSONNEL TO BE
ASSIGNED AT CDIS. (PP 89, 137 OF NEGOTIATING RECORD;
SEE ALSO P. 98 RE TYING OF ART. IX OF DCA TO PAYMENT OF
EXPENSES IN ART. V.)

3. FOLLOWING COMMENTS REFER TO SPECIFIC PARAGRAPHS OF
REF D:

(A) PARA 2 - CONCUR WITH US PROPOSAL FOR AGREED
MINUTE AS AMENDED PER NEXT COMMENT AND SUBSEQUENT
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COMMENT RE PARA 2, REF A.

(B) PARA 8 - WE APPROVE EMBASSY'S PROPOSED CHANGE,
AS AMENDED ANKARA 6004, TO EXTENT OF DELEING WORD
"AGREED" BEFORE PHRASE "AFTER CONSULTATION WITH THE
COMPETENT US AUTHORITIES" IS REDUNDANT TO SENSE OF
PARA 1, AGREED MINUTE (WHICH IS CONFORMED TEXT OF
AGREED MINUTE TO ART. IX OF DCA), AND COULD CONFLICT

WITH CLEAR REQUIREMENT IN SAME SENTENCE THAT
AGREEMENT IS NEEDED PRIOR TO ASSIGNMENT OF TRAINEES.

(C) PARA 12 - CONCUR WITH EMBASSY PLAN.

4. FOLLOWING COMMENTS REFER TO SPECIFIC PARAGRAPHS OF
REF C:

(A) PARA 3 - IN VIEW OF USAGE APPEARING ELSEWHERE
IN IAS WE HAVE NO OBJECTION OF TERM "BOARDING."

(B) PARA 4(1) - WE ASSUME GOT INTENDS QUOTED TEXT
TO BE ADDED TO US DRAFT ARTICLE 17 DESCRIBED PARA 2 REF D.

(C) PARA 4(2) - WE HAVE NO OBJECTION TO GOT PROPOSAL.

(D) PARA 5 - GOT PROPOSALS WOULD UNACCEPTABLY
CONFUSE DURATION OF USG SUPPORT. WE CONCUR WITH SENSE
OF EMBASSY PLAN AND WILL AWAIT EMBASSY REWRITE.

5. WE CONCUR WITH EMBASSY COUNTERPROPOSAL REPORTED PARA 2,
REF A. AND WITH GOT SUGGESTED CHANGES. HOWEVER, IF THAT
REDRAFT IS UNACCEPTABLE TO GOT, WE WOULD WISH TO
REINSERT "US AND" IN PHRASE "IS CONSISTENT WITH ---
TURKISH LAW." THIS WOULD NOT BE AN ATTEMPT ON OUR PART,
AS THE TURKS SEEM TO THINK, TO EXTEND THE JURISDICTION
OF US LAWS TO THE PEOPLE OF TURKEY. RATHER, IT MERELY
WOULD RECOGNIZE THE FACT THAT THE OPERATIONS OF US
ARMED FORCES THROUGHOUT THE WORLD ARE SUBJECT TO US LAW
AND REGULATIONS, AND THIS INCLUDES THE ACTIVITIES

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REFERRED TO IN PARAGRAPH 2 OF THE AGREED MINUTE TO
ARTICLE 17. CONSEQUENTLY, THE USAF COULD NOT CONDUCT
SUCH ACTIVITIES IN A MANNER CONTRARY TO US LAW OR
REGULATIONS IN THE COURSE OF SUPPORTING TURKISH
TRAINEES. RUSH

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